

**IN THE UNITED STATES PATENT AND  
TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD  
COMMISSIONER OF TRADEMARKS**



12-06-2002

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #3C

**NOTICE OF OPPOSITION**

**OTSAR SIFREI LUBAVITCH INC.  
OPPOSER**

**Opposition No. \_\_\_\_\_**

**vs.**

**Application Serial No. 76314502**

**KEHOT PUBLICATION SOCIETY,  
A DIVISION OF  
MERKOS L'INYONEI CHINUCH INC.  
APPLICANT**

**Published in the Official  
Gazette on October 8, 2002**

**Opposer, Otsar Sifrei Lubavitch Inc. a New York Corporation located and doing business at 1301 President St Brooklyn NY 11213, believes that it will be damaged by registration of the mark shown in Serial No. 76314502, and hereby opposes the same.**

**Description of Applicants application: filed on September 19, 2001; published for Opposition in the Official Gazette of October 8, 2002; The mark is in the form of a badge design incorporating Hebrew words (some of which are disclaimed) and which claims the Hebrew words "karnei hod torah" and initial letters thereof, Hebrew letters "K H T", applied for in international class 16 for goods comprising books, magazines, charts, maps, and photographs on a variety of aspects of Jewish life, and claiming first use, and first use in commerce on unspecified date or dates in the year 1942.**

**As grounds of opposition, it is alleged that:**

- 1. Applicant's mark includes words which when applied to the goods of applicant are merely descriptive in that such words are apt and common terms used to describe religious or other characteristics of the goods involved herein or publishing activities conducted in**

accordance with a particular religious goal. In addition applicant's overall mark is merely descriptive in that said mark is a common form used to describe religious goods affiliated with the Lubavitch movement and/or Lubavitch religious principals and concepts. Opposer, since 1996 has been involved in the manufacture and sale of goods which are of a related nature to applicant's goods and which goods opposer has a valid and legal right to describe by use of the words and the mark sought to be registered by applicant. Further, applicant's alleged mark does not function to identify applicant's goods from those offered by others and the titular applicant is not in fact a division of the claimed corporate entity. Opposer is likely to be damaged by registration of the mark and applicant is not entitled to exclusive use of the mark in commerce of the goods specified and is further not entitled to federal registration of the alleged mark to the extent that applicant purports to indicate by the mark that its goods originate from applicant as the exclusive source of Lubavitch affiliated publications, such designation is false and the mark to the extend so used is misdescriptive and for that reason is not entitled to registration by applicant.

2. Applicant's alleged mark has been and continues to be used by various parties unaffiliated with the claimed corporate applicant, including but not limited to such use by Opposer, and as a result of such use the alleged mark is descriptive of an affiliation with the

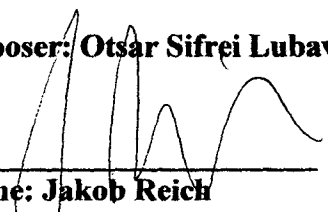
Lubavitch movement and/or Lubavitch religious principals and ideas and as a consequence has become a generic description for goods produced and sold with such affiliation or in accord with such religious principals or ideas. By reason of such use by others, opposer alleges that applicants alleged mark does not function to identify applicant as an exclusive source of particular goods and does not function to distinguish applicant's goods from those offered by others.

3. The claimed corporate applicant is not the real or authorized party in interest.

**WHEREFORE**, opposer prays that said application Serial No.76314502 be rejected, that no registration be issued thereon to applicant, and that this opposition be sustained in favor of opposer.

Opposer, Otsar Sifrei Lubavitch Inc., hereby appoints Jacob Laufer Esq., a member of the bar of the State of New York with an office at, Laufer and Associates, 1660 60<sup>th</sup> St. Brooklyn NY 11204 (Tel: 718 331-7999) to act as attorney for opposer herein with full power to prosecute said opposition, to transact all relevant business with the Patent and Trademark office and in the United States Courts and to receive all official communications in connection with this opposition.

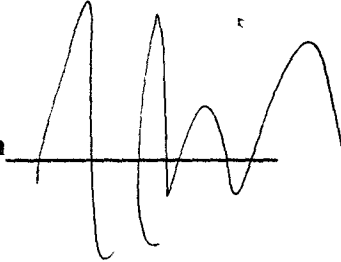
Opposer: Otsar Sifrei Lubavitch Inc.

By   
Name: Jakob Reich  
Title: President  
Date: December 6, 2002

Express mail mailing label No. ET 83 548 7188  
Date of deposit: 12/6/2002

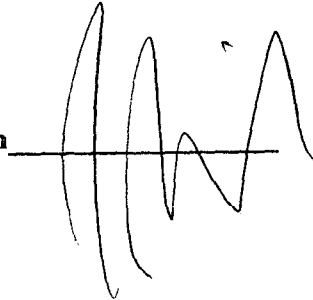
**I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express mail post office to addressee" under 37CFR on the date indicated above and is addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513.**

**Jakob Reich**

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned to the right of the printed name Jakob Reich.

**I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express mail post office to addressee" under 37CFR 1.10 on the date indicated above and is addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513.**

**Jakob Reich**

A handwritten signature in black ink, consisting of several loops and a final upward stroke, positioned to the right of the printed name Jakob Reich.

**Otsar Sifrei Lubavitch Inc.  
1301 President St.  
Brooklyn NY 11213**

**12/5/2002**

TTAB

**Trademark Trial and Appeals Board  
Commissioner of Trademarks**



12-06-2002

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #30

**Dear Sir,**

**The trademark registration we are opposing, Application  
Serial No.76314502 was published in the Gazette on October  
8, 2002 for opposition. We filed for an automatic extension of  
30 days on November 1, 2002. We are sending you herewith  
the opposition papers. Thank you.**

**Sincerely yours**

**Jakob Reich, President**

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